

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

<b>In the Matter of the Accusation Against:</b>	)	
	)	
<b>NAVNEET ADYA, M.D.</b>	)	<b>Case No. 16-2009-203768</b>
	)	
<b>Physician's and Surgeon's</b>	)	
<b>Certificate No. C51409</b>	)	
	)	
<b>Respondent.</b>	)	
_____	)	

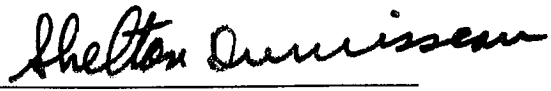
**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on March 16, 2011.

**IT IS SO ORDERED February 14, 2011.**

**MEDICAL BOARD OF CALIFORNIA**

By:   
Shelton Duruisseau, Ph.D., Chair  
Panel A

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSE R. GUERRERO  
Supervising Deputy Attorney General  
3 JANE ZACK SIMON [SBN 116564]  
Deputy Attorney General  
4 455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
5 Telephone: (415) 703-5544  
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6 *Attorneys for Complainant*

7  
8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 **Case No. 16-2009-203768**

12 In the Matter of the Accusation Against:

13 **NAVNEET ADYA, M.D.**  
819 Oxen Street  
14 Paso Robles, CA 93446

15 Physician's and Surgeon's Certificate No. C51409

16 Respondent.

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
18 above-entitled proceedings that the following matters are true:

19 1. Linda K. Whitney ("complainant") is the Executive Director of the Medical  
20 Board of California. This action has at all times been brought and maintained in the official  
21 capacity of the Medical Board's Executive Director. Complainant is represented in this matter by  
22 Kamala D. Harris, Attorney General of the State of California, by Jane Zack Simon, Deputy  
23 Attorney General.

24 2. Navneet Adya, M.D. ("respondent") is represented by Mark B. Connely of  
25 Hall, Hieatt & Connely, LLP, 1319 Marsh Street, 2nd Floor, San Luis Obispo, CA 93401.

26 3. On November 7, 2003, the Medical Board of California issued Physician's  
27 and Surgeon's Certificate No. C51409 to respondent. The certificate is renewed and current with  
28

1 an expiration date of September 30, 2011, and is in suspended status by virtue of a February 23,  
2 2010 Stipulation and Order Re: Interim Order of Suspension issued pursuant to Government Code  
3 section 11529.

4 4. First Amended Accusation No. 16-2009-203768 ("Accusation") was duly  
5 filed before the Medical Board of California ("Board") and is currently pending against  
6 respondent. The Accusation and all other statutorily required documents were properly served on  
7 respondent and respondent filed a Notice of Defense contesting the Accusation. A copy of  
8 Accusation No. 16-2009-203768 is attached as Exhibit A.

9 5. Respondent has carefully read, fully discussed with his counsel and  
10 understands the charges and allegations in Accusation No. 16-2009-203768. Respondent has also  
11 carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
12 Settlement and Disciplinary Order ("Stipulation")

13 6. Respondent is fully aware of his legal rights in this matter, including the  
14 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
15 counsel at his own expense; the right to confront and cross-examine the witnesses against him;  
16 the right to present evidence and to testify on his own behalf; the right to the issuance of  
17 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
18 reconsideration and court review of an adverse decision; and all other rights accorded by the  
19 California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
21 each and every right set forth above.

22 8. Respondent admits that complainant could establish a *prima facie* case  
23 with respect to the charges and allegations set forth in the Accusation. Respondent agrees that his  
24 Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the  
25 Board's imposition of discipline as set forth in the Disciplinary Order below.

26 9. The admissions made by respondent herein are only for the purposes  
27 of this proceeding or any other proceedings in which the Medical Board of California or other

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professional licensing agency in any state is involved, and shall not be admissible in any other criminal or civil proceedings.

10. This Stipulation shall be subject to the approval of the Board.

Respondent understands and agrees that Board staff and counsel for complainant may communicate directly with the Board regarding this stipulation, without notice to or participation by respondent or his counsel. If the Board fails to adopt this Stipulation as its Order in this matter, the Stipulation shall be of no force or effect; it shall be inadmissible in any legal action between the parties; and the Board shall not be disqualified from further action in this matter by virtue of its consideration of this Stipulation. Respondent also understands and agrees that he will not be able to withdraw or modify this Stipulation while it is before the Board for consideration.

11. The parties understand and agree that facsimile or electronic copies of this Stipulated Settlement and Disciplinary Order, including facsimile or electronic signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate number C51409 issued to respondent Navneet Adya, M.D. is revoked. However, the revocation is stayed and respondent is placed on probation for five (5) years on the following terms and conditions.

1. **Status of Suspension Order:** The Stipulation and Order Re: Interim Order of Suspension entered on February 23, 2010 shall be dissolved upon the effective date of this Stipulation. However, respondent shall not resume the practice of medicine until his treating psychiatrist has notified the Board or its designee, in writing, that respondent has been in regular treatment, has been compliant with treatment and medication recommendations, and is mentally fit to practice safely according to the terms and conditions set forth in this Stipulation, **and**

1 respondent has been notified by the Board or its designee, in writing, that he may resume the  
2 practice of medicine.

3  
4 2. **Psychotherapy** : Within 30 days of the effective date of this Decision, respondent  
5 shall submit to the Board or its designee for prior approval the name and qualifications of a  
6 board-certified, California licensed psychiatrist. Upon approval, respondent shall undergo and  
7 continue psychiatric treatment throughout the course of probation. Respondent shall have the  
8 treating psychiatrist submit quarterly status reports to the Board or its designee. The psychiatrist  
9 shall notify the Board or its designee immediately if the psychiatrist believes at any time that  
10 respondent cannot continue to safely practice or if respondent has not complied with treatment  
11 and medication recommendations. In such an event, respondent authorizes and releases the  
12 psychiatrist to communicate with the Board or its designee and to provide any information the  
13 Board deems appropriate. Respondent's approved psychotherapist will not function in any  
14 additional roles and will be ineligible to serve as respondent's practice monitor.

15  
16 The Board or its designee may require respondent to undergo periodic psychiatric  
17 evaluations. In the event respondent is directed to submit to an evaluation, respondent shall  
18 cooperate fully with the evaluator, and shall provide the evaluator with access to any information,  
19 records or documents that the evaluator may deem pertinent or necessary.

20  
21 If, prior to the completion of probation, respondent is found to be mentally unfit to  
22 practice of medicine without restrictions, the Board shall retain continuing jurisdiction over  
23 respondent's license and the period of probation shall be extended until the Board determines that  
24 the respondent is mentally fit to resume the practice of medicine without restrictions. Respondent  
25 shall pay the cost of all psychotherapy.

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1 Failure to undergo and continue psychotherapy treatment, to comply with treatment  
2 recommendations, or to submit to and cooperate with a Board requested evaluation, is a violation  
3 of probation. Respondent shall pay the cost of all psychotherapy and evaluations.

4 3. **Practice Monitor:** At least 30 days prior to resuming the practice of medicine,  
5 respondent shall submit to the Board or its designee for prior approval as a practice monitor, the  
6 name and qualifications of one or more licensed physicians and surgeons whose licenses are valid  
7 and in good standing, and who are preferably American Board of Medical Specialties (ABMS)  
8 certified. A monitor shall have no prior or current business or personal relationship with  
9 respondent, or other relationship that could reasonably be expected to compromise the ability of  
10 the monitor to render fair and unbiased reports to the Board, including but not limited to any form  
11 of bartering, shall be in respondent's field of practice, and must agree to serve as respondent's  
12 monitor. Respondent shall pay all monitoring costs. The Board or its designee shall provide the  
13 approved monitor with copies of the Decision(s) and Accusation(s), and a proposed monitoring  
14 plan. Within 15 calendar days of receipt of the Decision(s), Accusation(s), and proposed  
15 monitoring plan, the monitor shall submit a signed statement that the monitor has read the  
16 Decision(s) and Accusation(s), fully understands the role of a monitor, and agrees or disagrees  
17 with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan,  
18 the monitor shall submit a revised monitoring plan with the signed statement. Within 60 calendar  
19 days of the effective date of this Decision, and continuing throughout probation, respondent's  
20 practice shall be monitored by the approved monitor. Respondent shall make all records available  
21 for immediate inspection and copying on the premises by the monitor at all times during business  
22 hours and shall retain the records for the entire term of probation. The monitor shall submit a  
23 quarterly written report to the Board or its designee which includes an evaluation of respondent's  
24 performance, indicating whether respondent's practices are within the standards of practice of  
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1 medicine, and whether respondent is practicing medicine safely. The monitor shall notify the  
2 Board or its designee immediately if the monitor believes at any time that respondent cannot  
3 continue to safely practice. It shall be the sole responsibility of respondent to ensure that the  
4 monitor submits the quarterly written reports to the Board or its designee within 10 calendar days  
5 after the end of the preceding quarter. If the monitor resigns or is no longer available, respondent  
6 shall, within 5 calendar days of such resignation or unavailability, submit to the Board or its  
7 designee, for prior approval, the name and qualifications of a replacement monitor who will be  
8 assuming that responsibility within 15 calendar days. If respondent fails to obtain approval of a  
9 replacement monitor within 60 days of the resignation or unavailability of the monitor,  
10 respondent shall be suspended from the practice of medicine until a replacement monitor is  
11 approved and prepared to assume immediate monitoring responsibility. Respondent shall cease  
12 the practice of medicine within 3 calendar days after being so notified by the Board or designee.  
13 Failure to maintain all records, or to make all appropriate records available for immediate  
14 inspection and copying on the premises, or to comply with this condition as outlined above is a  
15 violation of probation.

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18 4. **Solo Practice:** Respondent is prohibited from engaging in the solo  
19 practice of medicine. Prohibited solo practice includes, but is not limited to, a practice where  
20 respondent merely shares office space with another physician but is not affiliated for the purposes  
21 of providing patient care or respondent is the sole physician practitioner at that location.

22  
23 5. **Third Party Chaperone:** Respondent shall have a third party  
24 chaperone present while consulting with, examining, or treating female patients. At least 30 days  
25 prior to resuming the practice of medicine, respondent shall submit to the Board or its designee  
26 for prior approval the name(s) of persons who will act as the third party chaperones. Each third  
27 party chaperone shall initial and date each patient medical record at the time the chaperone's  
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1 services are provided. Each third party chaperone shall read the Decision(s) and the  
2 Accusation(s), and fully understand the role of the third party chaperone. Respondent shall bear  
3 any costs associated with the chaperone requirement.

4 Respondent shall maintain a log of all patients seen for whom a third party chaperone is  
5 required. The log shall contain the: 1) patient name, address and telephone number; 2) medical  
6 record number; and 3) date of service. Respondent shall keep this log in a separate file or ledger,  
7 in chronological order, shall make the log available for immediate inspection and copying on the  
8 premises at all times during business hours by the Board or its designee, and shall retain the log  
9 for the entire term of probation. Failure to maintain a log of all patients requiring a third party  
10 chaperone, or to make the log available for immediate inspection and copying on the premises, is  
11 a violation of probation.  
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13  
14 6. **Restriction of Practice: Clinical Setting:** Respondent is prohibited from  
15 engaging in the practice of medicine outside of an office, hospital or clinical setting, and shall not  
16 provide medical services in a patient's home.

17 7. **Notification:** Prior to engaging in the practice of medicine, respondent  
18 shall provide a true copy of the Decision(s) and Accusation(s) to the Chief of Staff or the Chief  
19 Executive Officer at every hospital where privileges or membership are extended to respondent,  
20 at any other facility where respondent engages in the practice of medicine, including all physician  
21 and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every  
22 insurance carrier which extends malpractice insurance coverage to respondent. Respondent shall  
23 submit proof of compliance to the Board or its designee within 15 calendar days. This condition  
24 shall apply to any change(s) in hospitals, other facilities or insurance carrier.  
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1           8.     **Supervision of Physician Assistants:** During probation, respondent is  
2 prohibited from supervising physician assistants.

3           9.     **Obey all Laws:** Respondent shall obey all federal, state and local laws, all rules  
4 governing the practice of medicine in California, and remain in full compliance with any court  
5 ordered criminal probation, payments and other orders.

6           10.    **Quarterly Declarations:** Respondent shall submit quarterly declarations under  
7 penalty of perjury on forms provided by the Board, stating whether there has been compliance  
8 with all the conditions of probation. Respondent shall submit quarterly declarations not later than  
9 10 calendar days after the end of the preceding quarter.

10          11.    **Probation Unit Compliance:** Respondent shall comply with the Board's  
11 probation unit. Respondent shall, at all times, keep the Board informed of respondent's business  
12 and residence addresses. Changes of such addresses shall be immediately communicated in  
13 writing to the Board or its designee. Under no circumstances shall a post office box serve as an  
14 address of record, except as allowed by Business and Professions Code section 2021(b).  
15 Respondent shall not engage in the practice of medicine in respondent's place of residence.  
16 Respondent shall maintain a current and renewed California physician's and surgeon's license.  
17 Respondent shall immediately inform the Board, or its designee, in writing, of travel to any areas  
18 outside the jurisdiction of California which lasts, or is contemplated to last, more than 30 calendar  
19 days.

20          12.    **Interview With the Board, or its Designee:** Respondent shall be available in  
21 person for interviews either at respondent's place of business or at the probation unit office, with  
22 the Board or its designee, upon request at various intervals, and either with or without prior notice  
23 throughout the term of probation.

24          13.    **Residing or Practicing Out-of-State:** In the event respondent should leave the  
25 State of California to reside or to practice, respondent shall notify the Board or its designee in  
26 writing 30 calendar days prior to the dates of departure and return. Non-practice is defined as any  
27 period of time exceeding 30 calendar days in which respondent is not engaging in any activities  
28 defined in Sections 2051 and 2052 of the Business and Professions Code. All time spent in an

1 intensive training program outside the State of California which has been approved by the Board  
2 or its designee shall be considered as time spent in the practice of medicine within the State. A  
3 Board-ordered suspension of practice shall not be considered as a period of non-practice. Periods  
4 of temporary or permanent residence or practice outside California will not apply to the reduction  
5 of the probationary term. Periods of temporary or permanent residence or practice outside  
6 California will relieve respondent of the responsibility to comply with the probationary terms and  
7 conditions with the exception of this condition and the following terms and conditions of  
8 probation: Obey All Laws; Probation Unit Compliance. Respondent's license shall be  
9 automatically canceled if respondent's periods of temporary or permanent residence or practice  
10 outside California total two years. However, respondent's license shall not be canceled as long  
11 as respondent is residing and practicing medicine in another state of the United States and is on  
12 active probation with the medical licensing authority of that state, in which case the two year  
13 period shall begin on the date probation is completed or terminated in that state.

14       14.     **Failure to Practice Medicine - California Resident:** In the event respondent  
15 resides in the State of California and for any reason respondent stops practicing medicine in  
16 California, respondent shall notify the Board or its designee in writing within 30 calendar days  
17 prior to the dates of non-practice and return to practice. Any period of non-practice within  
18 California, as defined in this condition, will not apply to the reduction of the probationary term  
19 and does not relieve respondent of the responsibility to comply with the terms and conditions of  
20 probation. Non-practice is defined as any period of time exceeding 30 calendar days in which  
21 respondent is not engaging in any activities defined in sections 2051 and 2052 of the Business  
22 and Professions Code. All time spent in an intensive training program which has been approved  
23 by the Board or its designee shall be considered time spent in the practice of medicine. For  
24 purposes of this condition, non-practice due to a Board-ordered suspension or in compliance with  
25 any other condition of probation, shall not be considered a period of non-practice. Respondent's  
26 license shall be automatically canceled if respondent resides in California and for a total of two  
27 years, fails to engage in California in any of the activities described in Business and Professions  
28 Code sections 2051 and 2052.

1           15.     **Completion of Probation:** Respondent shall comply with all financial  
2 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the  
3 completion of probation. Upon successful completion of probation, respondent's certificate shall  
4 be fully restored.

5           16.     **Violation of Probation:** Failure to fully comply with any term or condition of  
6 probation is a violation of probation. If respondent violates probation in any respect, the Board,  
7 after giving respondent notice and the opportunity to be heard, may revoke probation and carry  
8 out the disciplinary order that was stayed. If an Accusation, Petition to Revoke Probation, or an  
9 Interim Suspension Order is filed against respondent during probation, the Board shall have  
10 continuing jurisdiction until the matter is final, and the period of probation shall be extended until  
11 the matter is final.

12           17.     **License Surrender:** Following the effective date of this Decision, if respondent  
13 ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and  
14 conditions of probation, respondent may request the voluntary surrender of respondent's license.  
15 The Board reserves the right to evaluate respondent's request and to exercise its discretion  
16 whether or not to grant the request, or to take any other action deemed appropriate and reasonable  
17 under the circumstances. Upon formal acceptance of the surrender, respondent shall within 15  
18 calendar days deliver respondent's wallet and wall certificate to the Board or its designee and  
19 respondent shall no longer practice medicine. Respondent will no longer be subject to the terms  
20 and conditions of probation and the surrender of respondent's license shall be deemed  
21 disciplinary action. If respondent re-applies for a medical license, the application shall be treated  
22 as a petition for reinstatement of a revoked certificate.

23           18.     **Probation Monitoring Costs:** Respondent shall pay the costs associated with  
24 probation monitoring each and every year of probation, as designated by the Board, which are  
25 currently set at \$3,675.00 but may be adjusted on an annual basis. Such costs shall be payable to  
26 the Medical Board of California and delivered to the Board or its designee no later than January  
27 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a  
28 violation of probation.

1 ACCEPTANCE

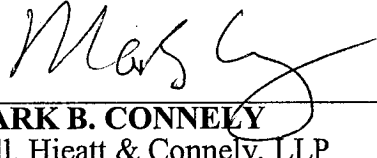
2 I have carefully read the Stipulated Settlement and Disciplinary Order and have fully  
3 discussed it with my attorney. I understand the stipulation and the effect it will have on my  
4 Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary  
5 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order  
6 of the Medical Board of California.

7 DATED: 01-28-2011.

8   
9 NAVNEET ADYA, M.D.  
10 Respondent

11 I have read and fully discussed with respondent, Navneet Adya, MD the terms and  
12 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
13 I approve its form and content.

14 DATED: 1-28-11.

15   
16 MARK B. CONNELLY  
17 Hall, Hieatt & Connely, LLP  
18 Attorneys for Respondent

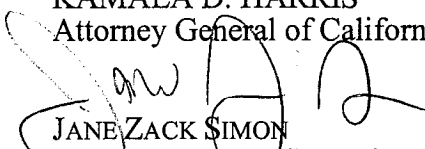
19 ENDORSEMENT

20 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
21 submitted for consideration by the Medical Board of California.

22  
23 Dated: 1/31/2011

Respectfully Submitted,

24 KAMALA D. HARRIS  
Attorney General of California

25   
26 JANE ZACK SIMON  
27 Deputy Attorney General  
28 Attorneys for Complainant  
Medical Board of California

## **Exhibit A**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 JOSE R. GUERRERO  
Supervising Deputy Attorney General  
3 JANE ZACK SIMON  
Deputy Attorney General  
4 State Bar No. 116564  
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7 *Attorneys for Complainant*  
*Medical Board of California*  
8

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO July 1, 2010  
BY: [Signature] ANALYST

9  
10 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 **Case No. 16-2009-203768**

13 In the Matter of the Accusation Against:

**FIRST AMENDED ACCUSATION**

14 **NAVNEET ADYA, M.D.,**  
15 819 Oxen Street  
Paso Robles, CA 93446

16 Physician's and Surgeon's  
17 Certificate No. C51409

18 Respondent.  
19  
20

21 The Complainant alleges:

22 1. Complainant Linda K. Whitney is the Executive Director of the Medical  
23 Board of California, Department of Consumer Affairs, and brings this First Amended Accusation  
24 ("Accusation") solely in her official capacity.

25 2. On or about November 7, 2003, Physician's and Surgeon's Certificate  
26 No. C51409 was issued by the Medical Board of California to Navneet Adya, M.D.  
27 ("respondent.") The certificate is renewed and current with an expiration date of September 30,  
28 2011, but is SUSPENDED pursuant to a February 23, 2010 Stipulation and Order Re: Interim

1 Order of Suspension issued pursuant to Government Code section 11529.

2 **JURISDICTION**

3 3. This Accusation is brought before the Medical Board of California,  
4 ("Medical Board" or "Board") under the authority of the following sections of the California  
5 Business and Professions Code ("Code") and/or other relevant statutory enactment:

6 A. Section 2227 of the Code provides that the Board may revoke,  
7 suspend for a period not to exceed one year, or place on probation, the license of any  
8 licensee who has been found guilty under the Medical Practice Act, and may recover the  
9 costs of probation monitoring.

10 B. Section 2234 of the Code provides that the Board shall take action  
11 against any licensee who is charged with unprofessional conduct.

12 C. Section 2305 of the Code provides that the revocation, suspension,  
13 or other discipline, restriction or limitation imposed by another state upon a license to  
14 practice medicine issued by that state, that would have been grounds for discipline in  
15 California under the Medical Practice Act, constitutes grounds for discipline for  
16 unprofessional conduct.

17 D. Section 141 of the Code provides:

18  
19 "(a) For any licensee holding a license issued by a board under the jurisdiction  
20 of a department, a disciplinary action taken by another state, by any agency of the federal  
21 government, or by another country for any act substantially related to the practice  
22 regulated by the California license, may be ground for disciplinary action by the  
23 respective state licensing board. A certified copy of the record of the disciplinary action  
24 taken against the licensee by another state, an agency of the federal government, or by  
25 another country shall be conclusive evidence of the events related therein.

26  
27 "(b) Nothing in this section shall preclude a board from applying a specific  
28 statutory provision in the licensing act administered by the board that provides for

1 discipline based upon a disciplinary action taken against the licensee by another state, an  
2 agency of the federal government, or another country.”

3 E. Section 2236 of the Code provides that the conviction of any  
4 offense substantially related to the qualifications, functions, or duties of a physician and  
5 surgeon constitutes unprofessional conduct .

6 F. Section 822 if the Code provides that, if a licensing agency  
7 determines that its licentiate’s ability to practice his profession safely is impaired because the  
8 licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take  
9 action by revoking the licentiate's certificate or license, suspending the licentiate's right to  
10 practice, placing the licentiate on probation or taking such other action in relation to the licentiate  
11 as the licensing agency in its discretion deems proper. Section 822 further provides that licensing  
12 agency shall not reinstate a revoked or suspended certificate or license until it has received  
13 competent evidence of the absence or control of the condition which caused its action and until it  
14 is satisfied that with due regard for the public health and safety the person's right to practice his or  
15 her profession may be safely reinstated.  
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#### 18 FIRST CAUSE FOR DISCIPLINE

19 (Discipline, Restriction, or Limitation Imposed by Another State)

20 4. On December 7, 2009, the Arizona Medical Board issued an Interim Order  
21 for Practice Restriction and Consent to Same (“Interim Order”) based on findings that respondent  
22 was convicted of certain misdemeanors, which in turn triggered an order for respondent to  
23 undergo a psychosexual evaluation. On November 20, 2009, respondent underwent a three-day  
24 evaluation and it was concluded that he was unfit to practice of medicine. Under the terms of the  
25 Interim Order, respondent was ordered not to practice clinical medicine or any medicine  
26 involving direct patient care, and was prohibited from prescribing any form of treatment  
27 including prescription medications, until he received permission from the Arizona Board to  
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1 resume the practice of medicine. On April 14, 2010, the Arizona Board issued a further Order for  
2 Letter of Reprimand and Practice Restriction and Consent to the Same, under which respondent  
3 was issued a Letter of Reprimand and his practice restricted for one year. Respondent was  
4 ordered to successfully complete intensive residential treatment to address both his mood disorder  
5 and sexual boundary violation; he was prohibited from practicing clinical medicine or any  
6 medicine involving direct patient care and from prescribing any form of treatment until approved  
7 to do so by the Arizona Board. True and correct copies of the Interim Order for Practice  
8 Restriction and Consent to Same and the Order for Letter of Reprimand and Practice Restriction  
9 and Consent to the Same issued by the Arizona Medical Board are attached hereto as Exhibit A.

10 5. Respondent's conduct and the action of the Arizona Medical Board as set  
11 forth in paragraph 4, above, constitute unprofessional conduct within the meaning of section 2305  
12 and conduct subject to discipline within the meaning of section 141(a).

### 13 **SECOND CAUSE FOR DISCIPLINE**

#### 14 (Unprofessional Conduct, Substantially Related Conviction)

15 6. On July 10, 2009, the Kings County California District Attorney filed a  
16 criminal complaint against respondent entitled The People of the State of California v. Navneet  
17 Adya, Kings County Superior Court Case No. 09CM8780. The complaint charged respondent  
18 with one count of violating Penal Code section 647(j)(3)(A), using a concealed camcorder to  
19 secretly videotape an identifiable person for the purpose of viewing the body of or undergarments  
20 worn by that person, without the person's consent, in a location in which the person has a  
21 reasonable expectation of privacy, a misdemeanor, and one count of violating Penal Code section  
22 135, destroying evidence, knowing it is about to be produced in evidence in an investigation, with  
23 the intent to prevent it from being produced, a misdemeanor.

24 7. On September 1, 2009, respondent appeared in the Kings County Superior  
25 Court and pled no contest to one count of violating Penal Code section 647(j)(3)(A) and to one  
26 count of violating Penal Code section 135. The Court accepted respondent's plea and sentenced  
27 him to 30 days in the county jail and to three years of court probation and required him to attend  
28

1 mental health counseling as directed by the court and/or probation department.

2 8. Respondent's convictions of violating Penal Code section 647(j)(3)(A)  
3 (using a concealed camcorder to secretly videotape a person in a place where the person has a  
4 reasonable expectation of privacy) and Penal Code section 135 (destroying evidence), offenses  
5 substantially related to the qualifications, functions, or duties of a physician and surgeon, subject  
6 respondent's certificate to practice medicine to disciplinary action under Business and Professions  
7 Code sections 2236 (conviction) and 2234 (unprofessional conduct.)

8 **THIRD CAUSE FOR DISCIPLINE**

9 (Mental Illness)

10  
11 9. On September 14, 2009, the Board received a Physician Reporting -  
12 Criminal Actions report from respondent notifying the Board that he had been convicted of  
13 violating Penal Code section 647(j)(3)(A) and Penal Code section 135, as described in the Second  
14 Cause for Discipline, above, along with a letter indicating that he had subsequently been  
15 diagnosed with Bipolar Disorder II.

16 10. On January 19, 2010, the Board received from the Medical Board of  
17 Arizona a certified copy of the Interim Order prohibiting respondent from practicing medicine in  
18 the state of Arizona described in the First Cause for Discipline, above. The Interim Order was  
19 based on a psychosexual evaluation ordered by the Medical Board of Arizona upon learning that  
20 respondent had been convicted of the misdemeanor offenses described in the Second Cause for  
21 Discipline, above.

22 11. It appearing that respondent might be unable to practice his profession  
23 safely because his ability to practice was impaired due to mental illness, the Board obtained a  
24 voluntary agreement from respondent to submit to a mental examination.

25 12. On March 29, 2010, respondent was examined by a board certified  
26 psychiatrist designated by the Medical Board.

27 13. On April 20, 2010, the psychiatrist prepared a report for the Medical Board  
28 in which he set out his finding that respondent has Bipolar II Disorder, a significant psychiatric

1 disorder which requires lifetime monitoring, and that he is unable to practice medicine with safety  
2 to the public unless he is under the care of a psychiatrist.

3 14. Respondent is subject to disciplinary action pursuant to Business and  
4 Professions Code section 822 in that his ability to practice his profession safely is impaired  
5 because he is mentally ill as more particularly alleged above.

6 **PRAYER**

7 **WHEREFORE**, the complainant requests that a hearing be held on the matters  
8 herein alleged, and that following the hearing, the Board issue a decision:  
9

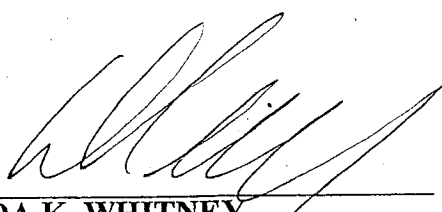
10 1. Revoking or suspending Physician's and Surgeon's Certificate Number  
11 C51409 heretofore issued to respondent Navneet Adya, M.D.;

12 2. Revoking, suspending or denying approval of the respondent's authority to  
13 supervise physician assistants;

14 3. Ordering respondent, if placed on probation, to pay the costs probation  
15 monitoring; and

16 4. Taking such other and further action as the Board deems necessary and  
17 proper.  
18

19 DATED: July 1, 2010  
20

21   
22 **LINDA K. WHITNEY**  
23 Executive Director  
24 Medical Board of California  
25 Department of Consumer Affairs  
26 State of California

27 Complainant  
28

## Exhibit A

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

NAVNEET ADYA, M.D.

Holder of License No. 31619  
For the Practice of Allopathic Medicine  
in the State of Arizona.

Case No. MD- 09-1169A

ORDER FOR LETTER OF REPRIMAND  
AND PRACTICE RESTRICTION AND  
CONSENT TO THE SAME

Navneet Adya, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Practice Restriction; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

**FINDINGS OF FACT**

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 31619 for the practice of allopathic medicine in the State of Arizona.

3. On September 11, 2009, Respondent reported to the Board that he had been convicted in the State of California on two misdemeanor charges for placing a camcorder in a public restroom and for destroying evidence.

4. On November 25, 2008, while employed at the Avenal State Prison in California, Respondent placed a camcorder in the public restroom. According to Respondent, a female employee found the camera and reported the incident to management; however, Respondent flushed the memory stick down the toilet before management could locate it. On April 9, 2009, Investigators from the Department of Corrections appeared at his home with a search warrant for the missing memory stick.

1 Respondent resigned his position at the prison when he became aware of the  
2 investigation.

3 5. On October 27, 2009, Respondent interviewed with the Board's medical  
4 consultant and staff, who recommended that Respondent undergo a psychosexual  
5 evaluation. On November 3, 2009, the Board ordered Respondent to undergo a  
6 psychosexual evaluation and Respondent completed the evaluation on November 20,  
7 2009. The evaluators' diagnoses included Bipolar Disorder II and Sexual Disorder NOS.  
8 The evaluation team recommended that Respondent undergo intensive residential  
9 treatment for professionals to address both his mood disorder and his sexual boundary  
10 violation and concluded that Respondent is unfit to return to the practice medicine.

#### 11 12 CONCLUSIONS OF LAW

13 1. The Board possesses jurisdiction over the subject matter hereof and over  
14 Respondent.

15 2. The conduct and circumstances described above constitutes unprofessional  
16 conduct pursuant to A.R.S. §32-1401(27)(d) ("[c]ommitting a felony, whether or not involving  
17 moral turpitude, or a misdemeanor involving more turpitude. In either case, conviction by  
18 any court of competent jurisdiction or a plea of no contest is conclusive evidence of the  
19 commission.").

20 3. If the Board finds that it can take rehabilitative or disciplinary action without  
21 the presence of the doctor at a formal interview it may enter into a consent agreement with  
22 the doctor to limit or restrict the doctor's practice or to rehabilitate the doctor in order to  
23 protect the public and ensure the doctor's ability to safely engage in the practice of  
24 medicine. A.R.S. § 32-1405(C)(25) and § 32-1451(F).

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ARIZONA MEDICAL BOARD

By

Lisa S. Wynn  
Executive Director

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CONSENT TO ENTRY OF ORDER

1. Respondent has read and understands this Consent Agreement for Letter of Reprimand, Practice Restriction and Consent to Same and the stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent acknowledges he has the right to consult with legal counsel regarding this matter.

2. Respondent acknowledges and agrees that this Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.

3. By consenting to this Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court to challenge this Order in its entirety as issued, and waives any other cause of action related thereto or arising from said Order.

4. The Order is not effective until approved and signed by the Executive Director.

5. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

6. Upon signing this Order, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the consent to the entry of the Order. Respondent may not make any modifications to the document. Any modifications to this original document are ineffective and void unless mutually approved by the parties.



1           7.     This Order is a public record that will be publicly disseminated as a formal  
2 action of the Board and will be reported to the National Practitioner's Data Bank and on  
3 the Board's web site.

4           8.     If any part of the Order is later declared void or otherwise unenforceable,  
5 the remainder of the Order in its entirety shall remain in force and effect.

6           9.     Any violation of this Order constitutes unprofessional conduct and may  
7 result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order,  
8 probation, consent agreement or stipulation issued or entered into by the board or its  
9 executive director under this chapter") and 32-1451.

10          10.    ***Respondent has read and understands the conditions of the restriction.***

11                   *Navneet Adya*  
12                   NAVNEET ADYA, M.D.

DATED: 04-09-2010

13  
14 EXECUTED COPY of the foregoing mailed  
15 this 15th day of April, 2010 to:

16 Navneet Adya, M.D.  
17 Address of Record

18 ORIGINAL of the foregoing filed  
19 this 15th day of April, 2010 with:

20 Arizona Medical Board  
21 9545 E. Doubletree Ranch Road  
22 Scottsdale, AZ 85258

23 *Chris Bump*  
24 Arizona Medical Board Staff  
25

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

NAVNEET ADYA, M.D.

Holder of License No. 31619  
For the Practice of Allopathic Medicine  
in the State of Arizona.

Case No. MD-09-1169A

INTERIM ORDER FOR PRACTICE  
RESTRICTION AND CONSENT TO SAME

INTERIM CONSENT AGREEMENT

Navneet Adya, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Practice Restriction; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 31619 for the practice of allopathic medicine in the State of Arizona.

3. On September 11, 2009, Respondent reported to the Board that he had been convicted of certain misdemeanors. On October 27, 2009, Respondent interviewed with the Board's medical consultant and staff and it was recommended that he undergo a psychosexual evaluation. On November 3, 2009, Respondent was ordered to undergo a psychosexual evaluation. On November 20, 2009, Respondent underwent a three-day evaluation and it was concluded that Respondent was unfit to return to the practice medicine.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The Executive Director may enter into a consent agreement with a physician if there is evidence of danger to the public health and safety pursuant to A.R.S. § 32-1405(C)(25); A.A.C. R4-16-504.

3. Based on the information in the Board's possession there is evidence that if Respondent were to practice medicine in Arizona there would be a danger to the public health and safety.

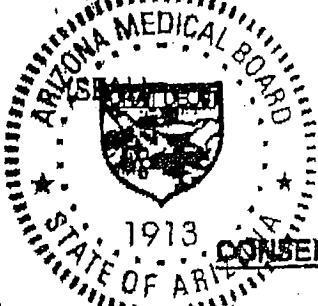
ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent shall not practice clinical medicine or any medicine involving direct patient care, and is prohibited from prescribing any form of treatment including prescription medications, until Respondent applies to the Board and receives permission to do so.

2. This is an interim order and not a final decision by the Board regarding the pending investigative file and as such is subject to further consideration by the Board.

DATED AND EFFECTIVE this 7<sup>TH</sup> day of DECEMBER, 2009.



ARIZONA MEDICAL BOARD

By

Lisa S. Wynn  
Executive Director

CONSENT TO ENTRY OF INTERIM ORDER

11 Respondent has read and understands this Interim Order for Practice Restriction and Consent to Same and the stipulated Findings of Fact, Conclusions of Law

1 and Order ("Interim Order"). Respondent acknowledges he has the right to consult with  
2 legal counsel regarding this matter.

3 2. Respondent acknowledges and agrees that this Interim Order is entered  
4 into freely and voluntarily and that no promise was made or coercion used to induce such  
5 entry.

6 3. By consenting to this Interim Order, Respondent voluntarily relinquishes any  
7 rights to a hearing or judicial review in state or federal court to challenge this Interim  
8 Order in its entirety as issued, and waives any other cause of action related thereto or  
9 arising from said Interim Order.

10 4. The Interim Order is not effective until approved and signed by the  
11 Executive Director.

12 5. All admissions made by Respondent are solely for final disposition of this  
13 matter and any subsequent related administrative proceedings or civil litigation involving  
14 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
15 or made for any other use, such as in the context of another state or federal government  
16 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
17 any other state or federal court.

18 6. Upon signing this Interim Order, and returning this document (or a copy  
19 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the  
20 entry of the Interim Order, Respondent may not make any modifications to the document.  
21 Any modifications to this original document are ineffective and void unless mutually  
22 approved by the parties.

23 7. This Interim Order is a public record that will be publicly disseminated as a  
24 formal action of the Board and will be reported to the National Practitioner's Data Bank  
25 and on the Board's web site.

1 8. If any part of the Interim Order is later declared void or otherwise  
2 unenforceable, the remainder of the Interim Order in its entirety shall remain in force and  
3 effect.

4 9. Any violation of this Interim Order constitutes unprofessional conduct and  
5 may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("violating a formal order,  
6 probation, consent agreement or stipulation issued or entered into by the board or its  
7 executive director under this chapter") and 32-1451.

8 Navneet Adya  
9 NAVNEET ADYA, M.D.

DATED: 12/07/2009

10  
11 EXECUTED COPY of the foregoing mailed  
12 this 7 day of December 2009 to:

13 Navneet Adya, M.D.  
14 Address of Record

15 ORIGINAL of the foregoing filed  
16 this 7 day of December 2009 with:

17 Arizona Medical Board  
18 9545 E. Doubletree Ranch Road  
19 Scottsdale, AZ 85258

20 [Signature]  
21 Arizona Medical Board Staff  
22  
23  
24  
25